

ROCHESTER PUBLIC UTILITIES  
BOARD POLICY STATEMENT

POLICY SUBJECT: Involuntary Disconnection

POLICY OBJECTIVE:

The Board's objective is to ensure that residential customer accounts are protected during cold weather periods extreme heat conditions and military service as prescribed in Minnesota Statutes §§ 216B.097, 216B.0975, and 325E.028.

POLICY STATEMENT:

1. COLD WEATHER RULE

Minnesota Statute § 216B.097 states that RPU must not disconnect and must reconnect the utility service of a residential customer during the period between October 15 and April 15, if the disconnection affects the primary heat source for the residential unit and all of the conditions described in the statute are met. For the purposes of this policy, "disconnection" includes a service or load limiter or any device that limits or interrupts electric service in any way. This protection does not prohibit RPU from disconnecting service, but requires several steps to be taken before disconnection.

A. **Application: notice to residential customer**

RPU will not disconnect or will reconnect the utility service of a residential customer if the disconnection affects the primary heat source for the residential unit and all of the following conditions are met:

- (1) The household income of the customer is at or below 50 percent of the state median household income. RPU may verify income on forms it provides or obtain verification of income from the local energy assistance provider. A customer is deemed to meet the income requirements of this clause if the customer receives any form of public assistance, including energy assistance, that uses an income eligibility threshold set at or below 50 percent of the state median household income.
- (2) A customer enters into and makes reasonably timely payments under a payment agreement that considers the financial resources of the household. "Reasonably timely payment" means payment within five working days of agreed-upon due dates.
- (3) A customer receives referrals to energy assistance, weatherization, conservation, or other programs likely to reduce the customer's energy bills.

RPU will, between August 15 and October 15 each year, notify all residential customers of the provisions of this policy and Minnesota Statute § 216B.097.

**B. Notice to residential customer facing involuntary disconnection**

Before disconnecting service to a residential customer during the period between October 15 and April 15, RPU will provide the following information to a customer:

- (1) a notice of proposed disconnection;
- (2) a statement explaining the customer's rights and responsibilities;
- (3) a list of local energy assistance providers;
- (4) a form on which to declare inability to pay; and
- (5) a statement explaining available time payment plans and other opportunities to secure continued utility service.

**C. Restrictions, if involuntary disconnection is necessary**

If a residential customer must be involuntarily disconnected between October 15 and April 15 for failure to comply with section 1A, the disconnection will not occur:

- (1) on a Friday, unless the customer declines to enter into a payment agreement offered that day in person or via personal contact by telephone by an RPU representative;
- (2) on a weekend, holiday, or the day before a holiday;
- (3) when RPU offices are closed; or
- (4) after the close of business on a day when disconnection is permitted, unless a field representative of RPU who is authorized to enter into a payment agreement, accept payment, and continue service, offers a payment agreement to the customer.

Further, the disconnection will not occur until at least 20 days after the notice required in section 1B has been mailed to the customer or 15 days after the notice has been personally delivered to the customer.

If a customer does not respond to a disconnection notice, the customer will not be disconnected until RPU investigates whether the residential unit is actually occupied. If the unit is found to be occupied, RPU will immediately inform the occupant of the provisions of this section and allow five working days to comply with this policy or apply for service in the event of a new occupant. If the unit is unoccupied, RPU will give seven days' written notice of the proposed disconnection to the local energy assistance provider before making a disconnection, and RPU will also notify the City of Rochester Building Safety

Department of an impending disconnection.

If, prior to disconnection, a customer appeals a notice of involuntary disconnection, as provided by RPU's established appeal procedure, RPU will not disconnect until the appeal is resolved.

## 2. DISCONNECTION DURING EXTREME HEAT CONDITIONS

Minnesota Statute § 216B.0975 states that RPU may not involuntarily disconnect a residential service when an excessive heat watch, heat advisory, or excessive heat warning has been issued by the National Weather Service.

## 3. UTILITY PAYMENT ARRANGEMENTS FOR MILITARY SERVICE PERSONNEL

Minnesota Statute § 325E.028 states that RPU must not disconnect the utility service of a residential customer if a member of the household has been issued orders into active duty, for deployment, or for a permanent change in duty station during the period of active duty, deployment or change in duty station if such a residential customer:

- A. Has a household income below the state median household income or is receiving energy assistance and enters into an agreement with RPU under which the residential customer pays ten percent of the customer's gross monthly income toward the customer's bill and the residential customer remains reasonably current with those payments; or
- B. Has a household income above the state median household income and enters into an agreement with RPU establishing a reasonable payment schedule that considers the financial resources of the household and the residential customer remains reasonably current with payments under the payment schedule.
- C. For purposes of this policy, "household income" means household income measured after the date of the orders specified in section 3.

### **Annual notice to all customers; inability to pay forms**

RPU must notify all residential customers annually of the provisions of this section.

RPU must provide a form to a residential customer to request the protections of this section upon the residential customer's request.

### **Application to service limiters**

For the purposes of this section "disconnection" includes a service or load limiter or any device that limits or interrupts electric service in any way.

### **Income verification**

Verification of income may be conducted by the local energy assistance provider or RPU unless the customer is automatically eligible for protection against disconnection as a recipient of any form of public assistance, including energy assistance that uses income eligibility in an amount at or below the income eligibility in section 3A.

**Appeal process**

RPU shall provide the residential customer with a commission-approved written notice of the right to appeal to the commission or other appropriate governing body when RPU and residential customer are unable to agree on the establishment, reasonableness, or modification of a payment schedule, provided for by this section. Any appeal must be made within seven working days after the residential customer’s receipt of personally served notice, or within ten working days after RPU has deposited first class mail notice in the United States mail.

RPU shall not disconnect service while a payment schedule is pending appeal, or until any appeal involving payment schedules has been determined by the commission.

**Enforcement**

This section may be enforced pursuant to chapter 216B.

Rochester Public Utilities will provide notification to the City of involuntary disconnection per Minnesota Statute § 216B.0976.

**RELEVANT LEGAL AUTHORITY:**

Minnesota Statutes §§ 216B.097, 216B.0975 and 325E.028

Effective Date of Policy: Revised: September 10, 1991

Date of Policy Revision: Month Day 2018

Policy Approval: Month Day 2018

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Board President

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Date